

Remitted Part of the Leeds Site Allocations Plan (SAP)

Matters & Issues for Examination (MM39)

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1. Issue 1A: have the relevant procedural and legal requirements been met?

Q1. Is the Sustainability Appraisal (SA) of the Council's proposed Main Modification MM39 suitably comprehensive including the SA objectives and has it sufficiently assessed the reasonable alternatives for employment land?

- 1.1 No. It isn't comprehensive and it doesn't assess any alternatives for employment land.
- 1.2 The SA covering MM39 is a very limited exercise. The scope of the SA on this Matter inherently limits its ability to fulfil legal obligations- notably the requirement to consider "reasonable alternatives".
- 1.3 The Options it considers are unduly narrow and restricted in scope; it did not include any option that considered meeting the objectively assessed need for employment land- which is a basic requirement of national policy.
- 1.4 Only Option 4 of CDREM1-2 considered employment land. A single option does not provide scope for any alternative approaches, let alone other reasonable alternatives.
- 1.5 Rushbond consider that it is fundamentally unjust to allocate a site when it has not been through a process that considers the candidate site against the other sites which might also address the same need. This approach is contrary to the 2004 Regulations, as no alternatives on this topic were considered in the SA.
- 1.6 Furthermore, the selection of this site still does not fully address the extant need- which we comment on further below.
- 1.7 Rushbond have no issues, or comments to make, on the merits (or otherwise) of the Barrowby Lane site, nor the suggestion that it is an appropriate site for employment development. It may well be appropriate, but it is not possible to make that judgement without a consideration of the alternatives and a reasoned assessment.
- 1.8 The concern is that this site has been selected for allocation without going through a process which (very simplistically) considers all of the relevant options against each other and chooses the best ones. Again, in the most simplistic terms, this is unfair and contrary to the Regulations.
- 1.9 Equally, Rushbond cannot understand why it is "reasonable" to ignore the remaining 30+Ha of employment land need, which is not being met. Why only meet part of that need, when it is openly acknowledged that there is a shortfall? Surely the only reasonable option, in the light of national guidance, is to meet that need.
- 1.10 Reasonable alternatives to Option 4 might have been:
 - Looking at other sites to meet the quantum of the 2014 Core Strategy need.
 - Immediately starting a new Plan process which updates the need and looks to meet it through a separate process.

- Expanding the scope of the SAP remittal to reconsider all needs afresh and look to meet them- effectively a partial (or selective) review.

1.11 Our view is that the Council urgently need to look at:

- 1) The current employment land need
- 2) The reasonable options to meet that need, including a proper review of the strategic options
- 3) A comprehensive review of the sites best placed to meet the identified sectoral needs.

Q1a. What are the reasons for selecting the preferred option and rejecting other approaches, and is this clearly set out in the Council's evidence base?

1.12 There is only one option that the Council have considered in relation to employment land in the March 2021 SA. In respect of employment land, the assessor had no choices to make, and no options to reject. For this topic area, the outcome was bound to the selected option in the absence of others.

1.13 The reason for selecting the Barrowby Lane must have been that it was the only choice available to the assessor that is relevant to employment land need. This approach undermines the basic purpose of undertaking SA.

1.14 The obvious omission from the SA is an option which looks to meet employment land needs.

1.15 Instead, the Council has elected to meet some of that need. They offer no reasoning to explain why the rest of the identified need can be ignored, nor why their selected option is the most appropriate to (partially) satisfy that need.

1.16 A fundamental requirement of NPPF is to meet OAN. This national policy requirement does not only apply to Housing development.

Q2. Does the consultation on the Council's proposed MM39 comply with the Statement of Community Involvement, and does it meet the minimum consultation requirements set out in the Regulations?

1.17 No comment

Q3. Are the likely effects of the proposed MM39 adequately and accurately assessed in the Habitat Regulations Assessment?

1.18 No comment

2. Issue 2A: is the proposed site allocation EG2-37 for employment use justified and consistent with national policy?

Employment Requirement and Supply

Q4. Is the Council's use of the employment requirement set out within the Core Strategy appropriate and consistent with national policy? What is the evidence of an up to date employment requirement?

- 2.1 The Core Strategy Selective Review (CSSR) was adopted in September 2019. The CSSR, however, did not address changes in employment land need. The employment land requirement is rooted in the original Core Strategy, adopted in 2014. In turn, that was based on a 2010 dated Employment Land Review Update. That 11 year old document is the genesis of the 493Ha land requirement.
- 2.2 Given the nature of the employment sector, and the fundamental and systemic changes that have affected it over the last 11 years, the base evidence is clearly not up to date.
- 2.3 The immediate aftermath of the financial crisis, when the evidence was prepared, was an extremely difficult period economically. The ELR was produced at the bottom of the economic cycle. This will have resulted in some pessimistic trends, backed by a couple of years' worth of very poor land take up and strong levels of supply.
- 2.4 The Core Strategy Inspector noted¹ that, at that time, Leeds had an existing supply of 350Ha of land with planning permission. That is a very different context to now. Leeds has lost employment sites which have been earmarked for HS2; has no replacements for them, and; economic circumstances have moved on very significantly.
- 2.5 In January 2010 (the year of the need assessment) 7.6% of retail sales were made on the internet. In January 2021, that had risen to 36.5%. Whilst those are particular snapshots in time (and the 2021 figure may be slightly skewed by "lockdown") the trend line is very clear². This factor alone has resulted in a major shift in how employment land is used and the scale of buildings required. We have seen very significant growth of e-commerce retailers, third party logistics providers, and mainline retailers in the logistics market.
- 2.6 We also have the effects of Brexit; onshoring and nearshoring trends in manufacturing (driven by both import / export tariffs, as well as supply chain efficiency and reliability issues); we have secured devolution in West Yorkshire, and; major investment in new rail infrastructure is planned.
- 2.7 These are very significant economic changes compared to the base we were working to in 2010.
- 2.8 As a result, we have seen record breaking increases in the take up of employment land over the last couple of years, most notably in the East Midlands and Yorkshire and the Humber. Both of these geographies are extremely well connected to ports and motorways, which

¹ See IR59 at [Leeds Core Strategy Final Report inc Appendices.pdf](#)

² [Internet sales as a percentage of total retail sales \(ratio\) \(%\) - Office for National Statistics \(ons.gov.uk\)](#)

drives their attractiveness for large scale employment uses. Leeds is obviously at the centre of one of the most attractive regions in the UK.

2.9 The economic picture is now far better and national trends have had a disproportionately large effect on both take up, and demand, in Yorkshire. In short, the 11 year old land supply requirement is likely to be a severe underestimate of need at this time.

2.10 The 493 Ha requirement is not consistent with national policy:

- NPPF 31 states that all policies should be underpinned by relevant and up to date evidence.
- NPPF 33 suggests that plans should be reviewed every 5 years. Whilst the CSSR was adopted 2 years ago, the underpinning employment land consideration was adopted in 2014, some 7 years ago.

The employment land supply is clearly out of date, and thus doesn't comply with national policy³.

2.11 The Council will no doubt highlight that this examination is bound to the 2012 NPPF under transitional arrangements. Para 158 of the 2012 NPPF requires plans to be based on adequate, up-to-date and relevant evidence. This is, essentially, the same guidance as that referenced above.

2.12 There is no evidence of an up to date employment land requirement. Furthermore, even that reduced need is not being fully addressed in this Plan- even with the changes proposed in MM39.

2.13 Rushbond accept that these are unusual circumstances, and that the remittal process has delayed and complicated the progress of the SAP. This will have consequent effects on the delivery of a new Plan that could address those needs.

2.14 Meanwhile, the need remains unmet; the market requirements remain unfilled; and the economic benefits of investment are not secured in the City.

2.15 HGR1 of the SAP expects a review of the SAP to be submitted by 31 December 2021. A draft of that review Plan has not been consulted on as yet, and thus that timetable cannot realistically be met. It is also concerning that that the terms of HGR1 only relate to meeting housing needs. It is feasible that this review could also avoid addressing the employment land requirement.

Q4a. Is the Council's approach to estimating employment land supply robust and consistent with national guidance and if so, what is the evidence for this?

2.16 Rushbond have no comments on the method of calculating the undersupply. The lack of supply to meet an identified need is clearly the fundamental concern.

³ See also NPPF 11 b) which says that assessed needs should be met as a minimum; and NPPF 80 and 81 which offer considerable support to achieving economic growth.

2.17 The main issues are that:

- The need being planned for is likely a considerable underestimate of current requirements.
- There is no robust evidence by which to assess the extent of that underestimate. The baseline position and options need to be reviewed urgently.
- Even the reduced need of 493Ha is not being properly planned for. The land supply (with or without Barrowby Lane) is not adequate to meet needs.

Q4b. Is there sufficient evidence to indicate that other sites in the SAP that are allocated for general employment use will be affected by the delivery of HS2?

2.18 Yes.

2.19 The safeguarded land plans at EBREM9/3 clearly show⁴ major impacts on large employment allocations at North Newhold, Garforth and Cross Green / ELLR (where the rolling stock depot is planned to be located) as well as a swathe of land through Stourton. If HS2 progresses, the loss of allocated land will be considerable.

2.20 HS2 has already negatively affected market certainty for a number of years- occupiers will not sign up to a site which has this threat hanging over it and, as such, HS2 is (in effect) sterilising these sites and taking them out of the deliverable land supply.

Site Allocation

Q5. Is the proposed allocation consistent with the aims, objectives, and policies in the adopted SAP and the Council's approach to their 'Climate Change Emergency'?

2.21 No comment.

Q5a. On 21 July 2020, the Government published the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. These came in to force on 1 September 2020. What are the implications, if any, of the changes to the Use Classes Order on the proposed allocation of the site for general employment use?

2.22 No comment.

Q5b. Is the proposed allocation justified having regard to the site selection methodology and process, paying particular attention to the deliverability of the site?

2.23 No comment.

Q5c. Has the delivery of infrastructure in the area, particularly in respect of traffic and transport, been adequately considered in the Infrastructure Delivery Plan and do site requirements need to address this?

⁴ SG-02-253 at page 13 of the pdf; SG-02-249 at page 9 of the PDF and SG-02-254 page 14 of the PDF

2.24 No comment.

Q5d. Does the evidence demonstrate that the deliverability and viability of the proposed allocation site is not prejudiced by any site constraints (for example archaeology, public rights of way and railway proposals)?

2.25 No comment.

Q5e. Are there any other site requirements (for example green space) that would ensure that the site allocation would be effective and justified?

2.26 No comment.

Green Belt

Q6. Does the proposed site allocation meet with the criteria set out in Policy SP10 of the CS, and are the boundaries of the proposed allocation defined clearly and consistent with the CS and national guidance?

2.27 No comment.

Q6a. Is there consistency in approach to Green Belt considerations between the deletion of site allocations in MMs1-38 and the proposed addition of a new site allocation MM39? (Please Note: this is a repeat of Q9a from the Matters Issues and Questions for MM1-MM38).

2.28 No comment.

Q6b. Do exceptional circumstances exist to release the site from the Green Belt to allocate it for general employment use including having regard to the High Court Judgement [CDREM1/7c]?

2.29 The employment land need clearly exists. That need is urgent and underestimated. The supply of sites to meet this need is extremely limited- particularly for certain sectors with specific locational requirements.

2.30 Whether there are Exceptional Circumstances to release the Thorpe Park from the Green Belt is a question that cannot be robustly answered based on the evidence submitted by the Council.

2.31 It is one potential option to meet (part) of the identified need.